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8 IN THE UNITED STATES DISTRICT COURT FOR THE  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA, ) 2:04-CV-00806-DFL-GGH  
12 )  
Plaintiff, ) FINAL JUDGMENT  
13 ) OF FORFEITURE  
v. )  
14 )  
REAL PROPERTY LOCATED AT 7414 )  
SUMMER AVE., CITRUS HEIGHTS )  
15 SACRAMENTO COUNTY, CALIFORNIA, )  
APN: 204-0284-008-0000, )  
16 INCLUDING ALL APPURTENANCES )  
AND IMPROVEMENTS THERETO, )  
17 )  
18 REAL PROPERTY LOCATED AT 2925 )  
BURNECE STREET, SACRAMENTO, )  
19 SACRAMENTO COUNTY, CALIFORNIA, )  
APN: 269-0051-018, INCLUDING )  
20 ALL APPURTENANCES AND )  
IMPROVEMENTS THERETO )  
21 )  
Defendants. )  
22 )

23 Pursuant to the Stipulations for Final Judgment of Forfeiture  
24 filed herein, the Court finds:

25 1. This is a civil forfeiture action against certain real  
26 properties listed in the caption above. The real properties are  
27 more particularly described in Exhibit A, attached hereto and  
28 incorporated herein by reference.

1        2. A Complaint for Forfeiture In Rem was filed on April 22,  
2 2004, seeking the forfeiture of the defendant real properties,  
3 alleging that said properties are subject to forfeiture to the  
4 United States of America pursuant to 21 U.S.C. § 881(a)(7).

5        3. On May 10, 2004, the defendant real properties were posted  
6 with a copy of the complaint and notice of complaint.

7        4. On May 24, 2004, June 1, 2004, and June 7, 2004, a Public  
8 Notice of Posting of the defendant properties appeared by  
9 publication in The Daily Recorder, a newspaper of general  
10 circulation in the county in which the defendant real properties are  
11 located (Sacramento County).

12        5. In addition to the Public Notice of Posting having been  
13 completed, actual notice or attempted notice was acknowledged by the  
14 following:

- 15            a. Roberto Orantes aka Rafael Arreguin
- 16            b. Richard Avila
- 17            c. Greg Sparkman
- 18            d. Bank of America, N.A.
- 19            e. Sacramento Postal District Employees Union
- 20            f. Western Sunrise aka Crossland Mortgage
- 21            g. US Bank Home Mortgage

22        6. Roberto Orantes aka Rafael Arreguin, Bank of America, and  
23 Richard Avila filed verified claims and answers alleging an interest  
24 in the defendant real properties. Concurrently with the filing of  
25 this proposed Final Judgment of Forfeiture, Roberto Orantes aka  
26 Rafael Arreguin and the United States will file a stipulation in  
27 which Roberto Orantes stipulated to the forfeiture of his interest  
28 in the defendant real properties.

1       7. No other parties have filed claims or answers in this  
2 matter, and the time for which any person or entity may file a claim  
3 and answer has expired.

4       Based on the above findings, and the Court being otherwise  
5 fully advised in the premises, it is hereby

6       ORDERED AND ADJUDGED:

7       8. The Court adopts the Stipulation for Final Judgment of  
8 Forfeiture entered into by and between the parties to this action.

9       9. Claimant Richard Avila shall have seven days from entry of  
10 the Final Judgment of Forfeiture in which to pay the United States  
11 the sum of \$125,000.00 by check made payable to the U.S. Marshals  
12 Service and sent to the U.S. Attorney's Office, Att: Asset  
13 Forfeiture Unit, 501 I Street, Suite 10-100, Sacramento, CA 95814.

14       10. Upon payment of the above-referenced \$125,000.00, the  
15 United States shall cause a payment demand to be made upon the  
16 escrow or title company handling the private sale of the following  
17 property:

18               7414 Summer Avenue, Citrus Heights, California, APN: 204-  
19               0284-008-0000

20 Said payment demand shall provide that upon the payment to the  
21 United States of an additional \$125,000.00 from escrow of the above-  
22 described property the escrow company shall record a withdrawal of  
23 the government's lis pendens on each of the defendant real  
24 properties that are the subject of this action.<sup>1</sup>

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25  
26       <sup>1</sup> On or about April 14, 2006, the United States received check  
27 number 00770629 in the amount of \$250,000 from Alliance Title  
28 Company. That day the United States hand delivered that check to  
the U.S. Marshals Service to be deposited into their Asset  
Forfeiture Suspense Account pending further order of the Court. The  
United States has recorded Notices of Withdrawal of Lis Pendens for

1        11. The \$125,000.00 described in paragraph 9 above, and the  
2 \$125,000.00 described in paragraph 10 above (the total sum of  
3 \$250,000.00) shall be substituted for the defendant real properties.  
4 All right title and interest in this substitute \$250,000.00 res  
5 shall be forfeited to the United States pursuant to 21 U.S.C. §  
6 881(a)(7), to be disposed of according to law.

7        12. If following 10 days from entry of judgment upon this  
8 stipulation, the terms of the parties' agreement set forth in  
9 paragraphs 9-11 are not fully accomplished, the parties stipulate  
10 that upon the notice of any party, the Court shall vacate the  
11 judgment entered upon the stipulation filed herein and reinstate  
12 this case to the Court's active calendar.

13        13. The United States and claimant Richard Avila agree to  
14 execute any and all documents necessary to effectuate any sale,  
15 transfer or disposition of the defendant real properties as may be  
16 necessary to effectuate the above-listed terms.

17        14. Claimants Richard Avila, Roberto Orantes and Bank of  
18 America, N.A. hereby release plaintiff United States of America and  
19 its servants, agents, and employees from any and all liability  
20 arising out of or in any way connected with the posting, forfeiture,  
21 or sale, of defendant real properties. This is a full and final  
22 release applying to all unknown and unanticipated injuries, and/or  
23 damages arising out of said posting, forfeiture, or sale, as well as  
24 to those now known or disclosed. The claimants waive the provisions  
25 of California Civil Code § 1542, which provides: "**A general release**  
26 **does not extend to claims which the creditor does not know or**  
27 \_\_\_\_\_

28 the above-listed real properties.

1 suspect to exist in his favor at the time of executing the release,  
2 which if known by him must have materially affected his settlement  
3 with the debtor."

4 15. Claimant Richard Avila shall maintain the defendant real  
5 properties in the same condition and repair as existed as of the  
6 date of the posting, normal wear and tear excepted, until such time  
7 as the United States shall receive full payment of the \$250,000 sub  
8 res. The term "maintain" shall include, but is not limited to,  
9 keeping the properties free of hazard and structural defects;  
10 keeping all heating, air conditioning, plumbing, electrical, gas,  
11 oil, or other power facilities in good working condition and repair;  
12 keeping the properties clean and performing such necessary  
13 sanitation and waste removal; keeping the properties in good  
14 condition by providing for lawn and yard maintenance; and other  
15 ordinary and necessary items of routine maintenance.

16 16. Until such time as the United States shall receive full  
17 payment of the \$250,000 sub res, claimant Richard Avila shall  
18 maintain all insurance policies currently in effect with respect to  
19 the properties, including policies covering liability to persons  
20 injured on said properties and for property damage to the defendant  
21 real properties.

22 17. Until such time as the United States receives full payment  
23 of the \$250,000 sub res, claimant Richard Avila shall not convey,  
24 transfer, encumber, lien, or otherwise pledge either of the  
25 defendant real properties without the prior, written approval of the  
26 United States.

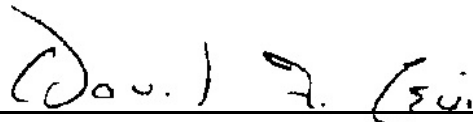
27 18. There was reasonable cause for the posting of the  
28 defendant real properties, and the Court may enter a Certificate of

Reasonable Cause pursuant to 28 U.S.C. § 2465.

19. All parties are to bear their own costs and attorneys' fees.

20. The Court shall maintain jurisdiction to enforce the terms of the Final Judgment of Forfeiture.

SO ORDERED THIS 26 day of June, 2006.

  
\_\_\_\_\_  
DAVID F. LEVI  
United States District Judge

CERTIFICATE OF REASONABLE CAUSE

Pursuant to the Stipulations for Final Judgment of Forfeiture filed herein, the Court enters this Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the posting of the defendant real properties.

DATED: 26 June 2006

  
\_\_\_\_\_  
DAVID F. LEVI  
United States District Judge

EXHIBIT A

7414 Summer Avenue, Citrus Heights, California

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SACRAMENTO, UNINCORPORATED AREA, AND IS DESCRIBED AS FOLLOWS:

LOT 203, AS SHOWN ON THE PLAT OF GRAND OAKS UNIT NO. 2, RECORDED IN BOOK 47 OF MAPS, MAP NO. 28, RECORDS OF SAID COUNTY.

APN: 204-0284-008-0000

2925 Burnece Street, Sacramento, California

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SACRAMENTO, UNINCORPORATED AREA, AND IS DESCRIBED AS FOLLOWS:

LOT 50, AS SHOWN ON THE "PLAT OF HOUSER TRACT", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY, CALIFORNIA, IN BOOK 34 OF MAPS, MAP NO. 16.

APN: 269-0051-018